

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION	)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION	)	
	)	JUDGE POLSTER
THIS DOCUMENT RELATES TO:	)	
	)	
<i>Cases filed by</i>	)	
<i>Third Party Payor Plaintiffs</i>	)	ORDER REGARDING
	)	<u>TPP BELLWETHER PROCESS</u>

In the Court’s *Bellwether Order* (docket no. 4920), the Court directed the parties to engage in a process for choosing bellwether trials in cases filed by Third Party Payors (“TPPs”). *See* Order at 1-2. Since that time, the Court has learned that, after Defendants identified potential bellwether cases as prescribed, plaintiffs in some of those cases voluntarily dismissed their lawsuits. *Id.* at 2. Defendants rightly complain this tactic skews the designed bellwether process.

Accordingly, the Court rules as follows. Counsel for all TPP plaintiffs shall promptly ask their clients if they are willing to serve as bellwether trial plaintiffs. Those who answer “no” may voluntarily dismiss their case *without* prejudice, on or before July 7, 2023. After that date, if any TPP plaintiff is chosen by a defendant as a potential bellwether case and then wishes to dismiss its case, the plaintiff must do so by motion; and the Court will enter dismissal *with* prejudice.

The parties shall meet and confer and agree to modify the dates listed in the *Bellwether*

*Order*, to the extent necessary, to accommodate the instant Order, and shall apprise the Court. To the fullest extent possible, Plaintiffs shall not slow their roll-out production of Plaintiff Fact Sheets.

**IT IS SO ORDERED.**

/s/ *Dan Aaron Polster*

**DAN AARON POLSTER**

**UNITED STATES DISTRICT JUDGE**

**Dated:** June 8, 2023